

In the
Legislature



of the State
of Washington

DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Supplement No. 48*

FIFTY-SEVENTH LEGISLATURE

Friday, March 23, 2001

74th Day - 2001 Regular

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SB 5078-S
SB 5326-S
SB 5327-S

HOUSE

HB 1286-S
HB 1370-S
HB 1655-S
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House Bills

HB 1286-S by House Committee on Natural Resources (originally sponsored by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, D. Schmidt, Anderson, Rockefeller and Esser)

Providing hatchery origin salmon eggs in order to replenish fish runs.

(AS OF HOUSE 2ND READING 3/12/01)

Provides that the department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department or federally approved tribes in Washington, for replenishing fish runs.

Declares that eggs deemed surplus by the state must be provided, in the following order of priority, to:

(1) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW;

(2) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(3) Regional fisheries enhancement group salmon culture programs under supervision of the department under this chapter;

(4) Governmental hatcheries in Washington, Oregon, and Idaho;

(5) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW.

Provides that the commission rules must include directives for allowing more hatchery salmon to spawn naturally, including the outplanting of adult fish particularly in areas where progeny of hatchery fish have spawned, in order to increase the number of viable salmon eggs and restore healthy numbers of fish within the state.

Requires the department to prepare an annual surplus salmon report. This report shall include the disposition of adult salmonids that have returned to salmonid hatchery facilities operated under the jurisdiction of the state that:

(1) Have not been harvested; and

(2) Were not allowed to escape for natural spawning.

Requires the report to include by species, the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses including, but not limited to, the following categories: (1) Disposed in landfills;

(2) Transferred to another government agency for reproductive purposes;

(3) Sold to contract buyers in the round;

(4) Sold to contract buyers after spawning;

(5) Transferred to Native American tribes;

(6) Donated to food banks; and

(7) Used in stream nutrient enrichment programs.

-- 2001 REGULAR SESSION --

Feb 23 NR - Majority; 1st substitute bill be substituted, do pass.

Feb 27 Passed to Rules Committee for second reading.

Mar 11 Placed on second reading by Rules Committee.

Mar 12 1st substitute bill substituted.

Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 94; nays, 0; absent, 4.

- IN THE SENATE -

Mar 14 First reading, referred to Natural Resources, Parks & Shorelines.

HB 1370-S by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Jackley, Morell, Eickmeyer, Bush, Benson, Rockefeller, Schindler, Conway, Hurst, Mulliken and Campbell; by request of Governor Locke)

Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine.

(AS OF HOUSE 2ND READING 3/09/01)

Restricts the sale of ephedrine, pseudoephedrine, or phenylpropanolamine.

Provides penalties for violations of the act.

Declares that it is unlawful for a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, knowingly to sell, transfer, or to otherwise furnish, in a single transaction:

(1) More than three packages of one or more products that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers; or

(2) A single package of any product that he or she knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.

Provides that it is unlawful for a person who is not a manufacturer, wholesaler, pharmacy, practitioner, shopkeeper, or itinerant vendor licensed by or registered with the department of health under chapter 18.64 RCW to purchase or acquire, in any twenty-four hour period, more than the quantities of the substances specified in this act.

Declares that a violation of this act is a gross misdemeanor.

Provides that, any person who possesses more than fifteen grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of those substances, is guilty of a gross misdemeanor.

Provides that, to prevent violations of section 9 of this act, every licensee and registrant under chapter 18.64 RCW, who sells at retail any products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, shall do one or both of the following:

(1) Program scanners, cash registers, or other electronic devices used to record sales in a manner that will alert persons handling transactions to potential violations of section 9(1) of this act and/or prevent such violations; or

(2) Place one or more signs on the premises to notify customers of the prohibitions of section 9 of this act. Any such sign may, but is not required to, conform to the language and format prepared by the department of health.

Directs the department of health to prepare language and format for a sign summarizing the prohibitions in sections 9 and 10 of this act and make the language and format available to licensees and registrants under chapter 18.64 RCW, for voluntary use in their places of business to inform customers and employees of the prohibitions. Nothing in this section requires the department of health to provide licensees or registrants with copies of signs, or any licensee or registrant to use the specific language or format prepared by the department under this subsection.

-- 2001 REGULAR SESSION --

Feb 14 CJC - Majority; 1st substitute bill be substituted, do pass.
Feb 20 Passed to Rules Committee for second reading.
Feb 27 Placed on second reading by Rules Committee.
Mar 9 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 93; nays, 0; absent, 5.

- IN THE SENATE -

Mar 12 First reading, referred to Judiciary.

HB 1655-S by House Committee on Natural Resources (originally sponsored by Representatives Sump, Doumit, Pearson, Rockefeller and Clements)

Appointing a fish and wildlife advisory committee composed of disabled persons.

(AS OF HOUSE 2ND READING 3/09/01)

Appoints a fish and wildlife advisory committee composed of disabled persons.

Requires the advisory committee members to represent the entire state. The members must be appointed so that each of the six department administrative regions, as they existed on January 1, 2001, are represented with one resident on the advisory committee. One additional member must be appointed at large.

Requires that, by December 1, 2004, the commission must present a report to the appropriate legislative

committees detailing the effectiveness of the advisory committee, including but not limited to the participation levels, general interest, quality of advice, and recommendations as to the advisory committee's continuance or modification.

-- 2001 REGULAR SESSION --

Feb 14 NR - Majority; 1st substitute bill be substituted, do pass.
Feb 19 Passed to Rules Committee for second reading.
Feb 27 Placed on second reading by Rules Committee.
Mar 8 Rules suspended.
Placed on second reading suspension calendar by Rules Committee.
Rules suspended.
Placed on second reading.
Mar 9 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 93; nays, 0; absent, 5.

- IN THE SENATE -

Mar 12 First reading, referred to Natural Resources, Parks & Shorelines.

HB 1745 by Representatives Lambert and Dickerson; by request of Department of Social and Health Services

Making child support technical amendments regarding medical support.

(AS OF HOUSE 2ND READING 3/09/01)

Authorizes the division of child support to use the national medical support notice to take insurance enrollment actions under RCW 26.18.170.

Authorizes the department to specify by rule the responsibilities of employers and plan administrators to comply with the requirements of the national medical support notice. The division of child support must, where appropriate, send the national medical support notice with a notice of payroll deduction or income withholding order within two days after a noncustodial parent is reported to the Washington state support registry as a new hire.

Declares that the legislature's delegation of authority to an agency under this act is strictly limited to: (1) The minimum delegation necessary to administer the act's clear and unambiguous directives; and

(2) The administration of circumstances and behaviors foreseeable at the time of enactment.

Provides that agency actions or rules authorized by this act are subject to the following additional standards of judicial review, which supercede RCW 34.05.570 (1) and (2) to the extent of any conflict: (1) Agencies bear the burden of demonstrating that the agency action: (a) was authorized by law; and (b) was valid, when the interest of a

party asserting invalidity arises from agency actions imposing a penalty on the asserting party;

(2) The validity of a rule may be determined upon petition for declaratory judgment addressed to any superior court in this state; and

(3) In determining whether, under RCW 34.05.570(2)(c), a rule exceeds the agency's statutory authority, the court must also consider whether the rule exceeds the limited delegation under subsection (1) of this section.

-- 2001 REGULAR SESSION --

Feb 2 First reading, referred to Judiciary.
 Feb 22 JUDI - Executive action taken by committee.
 JUDI - Majority; do pass with amendment(s).
 Feb 26 Passed to Rules Committee for second reading.
 Mar 9 Placed on second reading suspension calendar by Rules Committee.
 Committee recommendations adopted and the bill amended.
 Placed on third reading.
 Third reading, passed: yeas, 94; nays, 0; absent, 4.

- IN THE SENATE -

Mar 12 First reading, referred to Judiciary.

HB 1864 by Representatives Dickerson, Casada and McIntire

Revising information requirements in family law court files.

(AS OF HOUSE 2ND READING 3/09/01)

Revises information requirements in family law court files.

Declares that the legislature's delegation of authority to an agency under this act is strictly limited to:

(1) The minimum delegation necessary to administer the act's clear and unambiguous directives; and

(2) The administration of circumstances and behaviors foreseeable at the time of enactment.

Provides that agency actions or rules authorized by this act are subject to the following additional standards of judicial review, which supercede RCW 34.05.570 (1) and (2) to the extent of any conflict:

(1) Agencies bear the burden of demonstrating that the agency action:

(a) Was authorized by law; and

(b) Was valid, when the interest of a party asserting invalidity arises from agency actions imposing a penalty on the asserting party;

(2) The validity of a rule may be determined upon petition for declaratory judgment addressed to any superior court in this state; and

(3) In determining whether, under RCW 34.05.570(2)(c), a rule exceeds the agency's statutory authority, the court must also consider whether the rule

exceeds the limited delegation under subsection (1) of this section.

-- 2001 REGULAR SESSION --

Feb 7 First reading, referred to Judiciary.
 Feb 27 JUDI - Executive action taken by committee.
 JUDI - Majority; do pass with amendment(s).
 Passed to Rules Committee for second reading.
 Mar 9 Placed on second reading suspension calendar by Rules Committee.
 Committee recommendations adopted and the bill amended.
 Placed on third reading.
 Third reading, passed: yeas, 93; nays, 0; absent, 5.

- IN THE SENATE -

Mar 12 First reading, referred to Judiciary.

Senate Bills

SB 5078-S by Senate Committee on Transportation (originally sponsored by Senator Haugen)

Revising the disposition of vehicle license fees.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 46.68.030 and 46.16.0621 relating to revising the disposition of vehicle license fees.

-- 2001 REGULAR SESSION --

Mar 22 TRAN - Majority; 1st substitute bill be substituted, do pass.

SB 5326-S by Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner; by request of Governor Locke)

Making supplemental transportation appropriations.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Makes supplemental transportation appropriations.

-- 2001 REGULAR SESSION --

Mar 22 TRAN - Majority; 1st substitute bill be substituted, do pass.

SB 5327-S by Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner; by request of Governor Locke)

Funding transportation during the 2001-03 biennium.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Makes transportation appropriations for 2001-03.

-- 2001 REGULAR SESSION --

Mar 22 TRAN - Majority; 1st substitute bill be
 substituted, do pass.